

REMARKS/ARGUMENTS

Claims 1-4, 6-20, 22-34, 36-39 and 41-46 are pending in this application. Claims 1, 3, 6-9, 13, 14, 16-18, 24, 25, 29, 30, 32-34, 39 and 44-46 are amended. Claims 1, 17, 33, 34, 39, 44, 45, and 46 are independent. Applicant respectfully requests the reconsideration and allowance of all pending claims in view of the following remarks.

The courtesies extended to Applicant's representatives by Examiner Avellino at the interview held on March 11, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

REJECTION UNDER 35 U.S.C. § 112

In sections 3-6 on pages 2 and 3, the Office Action rejects claims 1-4, 6-20, 22-34, 36-39 and 41-46 under 35 U.S.C §112, second paragraph, as allegedly being indefinite. Applicant thanks Examiner Avellino for agreeing that the proposed amendment to the claims overcomes the rejections of claims 1-4, 6-20, 22-34, 36-39, and 41-46 under 35 U.S.C §112. Claims 1, 17, 33, 34, 39, and 44-46 are amended as discussed at the interview held on March 11, 2009.

Accordingly, Applicant respectfully submits that claims 1, 17, 33, 34, 39, and 44-46 are definite. Therefore, Applicant respectfully requests that the rejection of claims 1-4, 6-20, 22-34, 36-39 and 41-46 be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

In Section 7 on pages 3-10, the Office Action rejects claims 1-4, 6-20, 22-34, 36-39, and 41-46 under 35 U.S.C §103(a) as allegedly being unpatentable over U.S. Patent No. 7,143,153 to Black et al. (“Black”) in view of U.S. Patent No. 6,834,304 to Nisbet et al. (“Nisbet”), and in further view of U.S. Patent No. 6,088,688 to Crooks et al. (“Crooks”). Applicant respectfully traverses this rejection.

Independent claim 1 recites, in part, “if the utilization is above the corresponding specified threshold for at least one said resource, **checking a timer associated with the resource** and . . . when the timer has expired, generating an alarm for the resource and **resetting the timer associated with the resource only when an alarm has been generated** for the resource” (emphasis added). Independent claims 17, 33, and 45 contain similar recitations. This subject matter finds support in the published version of the specification in, for example paragraph [0030].

As described in paragraph [0030] of the specification, “If the timer has expired, then the connection resource tracker generates an alarm at step 76 as described above, and resets the timer at step 84” (emphasis added). Resetting the timer when an alarm is generated ensures that the connection resource tracker will not generate repeated alarms for a resource in response to a future query from a user. Id.

Applicant respectfully submits that Black fails to disclose, teach, or suggest the claimed subject matter quoted and described above. Black describes notifying a

user when a particular attribute is exceeded for a specified number of sampling periods. Black, Column 169, Lines 20-24. However, because attributes are checked on a predetermined frequency, treating the frequency as a timer would mean that the timer is reset regardless of whether an alarm has been previously generated.

Applicant respectfully submits that Nisbet and Crooks fail to disclose, teach, or suggest the claimed subject matter quoted above. In both references, there is no mention of the use of a timer or the ability to ensure that unnecessary alarms are not repeatedly generated.

Accordingly, Applicant respectfully submits that Black, Nisbet, and Crooks fail to disclose, teach, or suggest “when the timer has expired, generating an alarm for the resource and resetting the timer associated with the resource only when an alarm has been generated for the resource,” as recited in independent claim 1 and similarly recited in independent claims 17, 33, and 45.

Claims 1, 17, 33, and 45 are therefore allowable based at least on the failure of Black, Nisbet, and Crooks to disclose this subject matter. Claims 2-4 and 6-16 are allowable based at least on their dependencies from claims 1, while claims 18-20 and 22-30 are allowable at least on their dependencies from claim 17.

Claims 34, 39, 44, and 46 recite, “if the utilization is above the corresponding specified threshold for at least one said resource, **checking whether a flag** associated with the resource indicates that an alarm has **recently been generated** for the resource; and wherein if the flag does not indicate that the alarm has recently been set, a step of generating an alarm is carried out and a flag is set

to indicate that an alarm has recently been generated” (emphasis added). This subject matter finds support in the published version of the specification in, for example, paragraph [0033].

As described in paragraph [0033] of the specification, “when the connection resource tracker determines that a resource is above its specified threshold, the resource tracker determines whether a flag associated with the resource indicates that the alarm has already been generated for that resource.” If the flag does not indicate that the alarm has been set, then the connection resource tracker generates an alarm and sets the flag to indicate the alarm has recently been generated; otherwise, an alarm is not generated.

Furthermore, if the utilization of the resource is not above the specified threshold, the flag is cleared so that it indicates that an alarm has not been recently generated. By utilizing flags to keep track of alarm generations, the system ensures that the connection resource tracker will not repeatedly generate alarms for a resource as new call connections are established.

In contrast, Black describes the use of flags to indicate if the user may change certain profile attributes. Black, Column 48, Lines 60-65. “[A] flag may be set to indicate that the user is not allowed to change his/her password, and an account disable flag may be set to disable a particular profile/account.” Id. Thus, the flags used in Black are not used to ensure unnecessary repetition of alarms.

Although Black does disclose a method to suppress false alarms, this is done using both a “rising and falling” threshold. Black, Column 1, Lines 51-64. “The

resource attribute data gathered within the network device is evaluated against a fixed expression including both a rising and a falling threshold.” Id. “That is, instead of sending a notice each time an attribute value is above or below a threshold, notices are only sent in accordance with the expression after both thresholds have been crossed.” Id. Thus, although Black’s method does reduce the amount of alarms generated, it does so using a method significantly different from the method of using flags.

Applicant respectfully submits that Nisbet and Crooks also fail to disclose, teach, or suggest the claimed subject matter quoted above. In both references, the use of flags is not to ensure the unnecessary generation of alarms when a minimum or maximum threshold is reached.

Accordingly, Applicant respectfully submits that Black, Nisbet, and Crooks fail to disclose, teach, or suggest that “if the utilization is above the corresponding specified threshold for at least one said resource, checking whether a flag associated with the resource indicates that an alarm has recently been generated for the resource; and wherein if the flag does not indicate that the alarm has recently been set, a step of generating an alarm is carried out and a flag is set to indicate that an alarm has recently been generated,” as recited in independent claims 34, 39, and 44.

Claims 34, 39, and 44 are therefore allowable based at least on the failure of Black, Nisbet, and Crooks to disclose this subject matter. Claims 36-38 are allowable based at least on their dependencies from claim 34, while claims 41-43 are allowable based at least on their dependencies from claim 39.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claims 1-4, 6-20, 22-34, 36-39, and 41-46 under 35 U.S.C §103(a) be withdrawn.

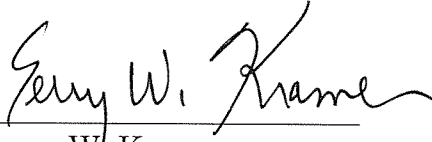
CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
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